| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/038,078 | 01/02/2002 | Seemab Aslam Kadri | 42390.P13127 | 7340 |

| 8791 | 7590 | 03/15/2005 | | EXAMINER |
|---|---|---|---|---|

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

HAMZA, FARUK

| ART UNIT | PAPER NUMBER |
|---|---|
| 2155 | |

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 10/038,078 | KADRI ET AL. |
| | **Examiner** | **Art Unit** | |
| | Faruk Hamza | 2155 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _02 January 2002_.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _02 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

1. This action is responsive to the application filed on January 02, 2002. Claims 1-

28 are now pending.

### *Specification*

#### Content of Specification

2.      Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary
        or general statement of the invention as set forth in 37 CFR 1.73. The
        summary is separate and distinct from the abstract and is directed toward
        the invention rather than the disclosure as a whole. The summary may
        point out the advantages of the invention or how it solves problems
        previously existent in the prior art (and preferably indicated in the
        Background of the Invention). In chemical cases it should point out in
        general terms the utility of the invention. If possible, the nature and gist of
        the invention or the inventive concept should be set forth. Objects of the
        invention should be treated briefly and only to the extent that they
        contribute to an understanding of the invention.

### *Claim Rejections - 35 USC § 102*

3.      The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

4.      Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Dutta et al. (U.S. Pub. No. 2002/0073204) hereinafter referred as Dutta.

5.      Dutta has disclosed:

- <Claim 1>

    A method, comprising:

    when a server is active in a network, querying the server for information

about a desired peer in the network; and (Page 3, P [0034]; P [0041])

    when the server is not active in the network, querying neighbor peers for

information about the desired peer. (Page 5, P [0059]).


- <Claim 2>

    The method of claim 1, wherein the server includes a server peer directory

containing information about peers in the network. (Page 1, P [0006])


- <Claim 3>

    The method of claim 1, wherein the each of the peers in the network

includes a neighbor peer directory containing information about the neighbor

peers. (Page 1, P [0006])


- <Claim 4>

    The method of claim 3, further comprising:

    determining if the desired peer is located in the neighbor peer directory

prior to querying the server; and (Page 1, P [0007])

retrieving the information about the desired peer from a local storage

when the desired peer is located in the neighbor peer directory. (Page 1, P

[0007])

- <Claim 5>

    The method of claim 4, wherein querying the neighbor peers comprises:

    querying each of the neighbor peers included in the neighbor peer

directory to locate the desired peer; and (Page 3, [0037])

    when the desired peer is located in the neighbor peer, retrieving the

information about the desired peer from the neighbor peer. (Page 3, [0037])

- <Claim 6>

    The method of claim 1, wherein when the server is not active in the

network, at least one of the peers in the network becomes a replacement server.

(Page 3, P [0034]; [0041])

- <Claim 7>

    The method of claim 6, wherein the at least one of the peers in the

network becomes a replacement server by broadcasting a message to the peers

in the network. (Page 4, P [00046]).

- <Claim 8>

The method of claim 7, wherein the at least one of the peers in the

network becomes a replacement server by receiving positive acknowledgement

to the broadcasted message from the peers in the network. (Page 4, P [00046]).


- <Claim 9>

The method of claim 6, wherein the at least one of the peers in the

network becomes a replacement server if the peer has sufficient capability rating.

(Page 5, P [0059]).


- <Claim 10>

The method of claim 9, wherein the capability rating includes previously

set indication that the peer is capable of performing as the replacement server.

(Page 5, P [0059]).


- <Claim 11>

A peer system, comprising:

a network interface to connect to a network; (Fig.1A; Page 2, P [0026])

a processor coupled with the network interface; (Page 2, P [0028])

a memory coupled with the processor and the network interface, the

memory including a neighbor peer directory having information about zero or

more neighbor peers in the network, wherein when searching for a desired peer,

the neighbor peer directory is first searched to locate the desired peer, and when

the desired peer is not located in the neighbor peer directory, a query is sent to a

server connected to the network to search for the desired peer. (Page 2, P

[0028]; Page 3, [0037])


- <Claim 12>

    The system of claim 11, wherein the query is sent to the server when the

server is active. (Page 3, P [0034]; P [0041])


- <Claim 13>

    The system of claim 12, wherein the server includes a server-peer

directory having information about all peers in the network. (Page 1, P [0006])


- <Claim 14>

    The system of claim 12, wherein when the server is not active, the query

is sent to each of the neighbor peers included in the neighbor peer directory.

(Page 3, P [0034]; [0041])


- <Claim 15>

    The system of claim 12, wherein when the server is not active, one or

more peers in the network becomes a replacement server. (Page 3, P [0034];

[0041])

- <Claim 16>

    A computer readable medium containing executable instructions which, when executed in a processing system, causes the processing system to perform a method comprising:

    when a server is active in a network, querying the server for information about a desired peer in the network; and (Page 3, P [0034]; P [0041])

    when the server is not active in the network, querying neighbor peers for information about the desired peer. (Page 5, P [0059]).

- <Claim 17>

    The computer readable medium of claim 16, wherein the server includes a server peer directory containing information about peers in the network. (Page 1, P [0006])

- <Claim 18>

    The computer readable medium of claim 16, wherein the each of the peers in the network includes a neighbor peer directory containing information about the neighbor peers. (Page 1, P [0006])

- <Claim 19>

    The computer readable medium of claim 18, further comprising:

determining if the desired peer is located in the neighbor peer directory

prior to querying the server; (Page 1, P [0007])

and retrieving the information about the desired peer from a local storage

when the desired peer is located in the neighbor peer directory. (Page 1, P

[0007])

- <Claim 20>

The computer readable medium of claim 19, wherein querying the

neighbor peers comprises:

querying each of the neighbor peers included in the neighbor peer

directory to locate the desired peer; and (Page 3, [0037])

when the desired peer is located in the neighbor peer, retrieving the

information about the desired peer from the neighbor peer. (Page 3, [0037])

- <Claim 21>

The computer readable medium of claim 16, wherein when the server is

not active in the network, at least one of the peers in the network becomes a

replacement server. (Page 3, P [0034]; [0041])

- <Claim 22>

The computer readable medium of claim 21, wherein the at least one of

the peers in the network becomes a replacement server by broadcasting a

message to the peers in the network. (Page 4, P [00046]).

- <Claim 23>

    The computer readable medium of claim 22, wherein the at least one of the peers in the network becomes a replacement server by receiving positive acknowledgement to the broadcasted message from the peers in the network. (Page 4, P [00046]).

- <Claim 24>

    The computer readable medium of claim 21, wherein the at least one of the peers in the network becomes a replacement server if the peer has sufficient capability rating. (Page 5, P [0059]).

- <Claim 25>

    The computer readable medium of claim 24, wherein the capability rating includes previously set indication that the peer is capable of performing as the replacement server. (Page 5, P [0059]).

- <Claim 26>

    A peer system, comprising:

means for locating a desired peer by querying a neighbor peer directory,

the neighbor peer directory including information about neighbor peers, the

neighbor peers connected to a network; (Page 1, P [0006]; Page 3, P [0037])

means for locating the desired peer by querying a server connected to the

network; and (Page 3, P [0034]; P [0037] )

means for locating the desired peer by querying the neighbor peers.

(Page 3, P [0037])

- <Claim 27>

The system of claim 26, wherein the server includes information about all

peers connected to the network. (Page 1, P [0006])

- <Claim 28>

The system of claim 26, wherein the neighbor peers are queried when the

server is not active. (Page 3, P [0034]; P [0041]; Page 5, P [0059]).

## *Conclusion*

6.    The prior art made of record and not relied upon is considered pertinent to

the applicant's disclosure.

- Padala (U.S. Pub. No. 2003/0093562) discloses efficient peer to peer discovery.

- Dutta et al. (U.S. Pub. No. 2003/0050966) discloses a methodology for operating a data sharing application in a peer-to-peer network.

- Dutta et al. (U.S. Patent Number 6,636,854) a method and system for augmenting conventional search engine results with peer-to-peer search result.

- Ramanathan et al. (U.S. Patent Number 6,286,047) discloses method and system for automatic discovery of network services.

- Aras et al. (U.S. Patent Number 5,862,329) discloses a distance learning system consists of a plurality of multicast clients.

7.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached at 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 886-217-9197 (toll –free).


Faruk Hamza

Patent Examiner

Group Art Unite 2155

**HOSAIN ALAM**
**SUPERVISORY PATENT EXAMINER**